

SHIRE OF KOJONUP



Council Minutes

14th December 2010

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 14th December 2010****TABLE OF CONTENTS**

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SHIRE OF KOJONUP

MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 3:00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin
Cr Jane Trethowan
Cr Ian Pedler
Cr Frank Pritchard
Cr John Benn
Cr Greg Marsh
Cr Rosemary Hewson
Cr Michael Baulch

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer

APOLOGIES

Nil

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 16th November 2010

Corrections: Nil

COUNCIL DECISION

105/10 MOVED Cr Hewson seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 16th November 2010 be confirmed as a true record.

CARRIED 8/0

SPECIAL MEETING 18th November 2010

Corrections: Nil

COUNCIL DECISION

106/10 MOVED Cr Benn seconded Cr Marsh that the Minutes of the Special Meeting of Council held on 18th November 2010 be confirmed as a true record.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday, 8 December 2010
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2010 to 30th November 2010

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 30th November 2010.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1st July 2005.

COMMENTS

The attached Statement of Financial Activity for the period of 1st July 2010 to 30th November 2010 shows a solid position with 80.04% of rates collected and a total amount of cash holdings of \$3,908,342.56 of which \$2,097,108.92 is held in fully cash backed Reserves as at 30th November 2010. Of these cash holdings \$1,000,000 of Municipal funds and \$1,500,000 of Reserve funds have been invested in short term deposits, due to mature 20th December 2010.

The Annual Audit has been concluded with the Auditors Management Report, Audit Report and Annual Financial Report being presented to Council in item 13.1 of this meeting.

With the finalisation of the Audit and close of accounts for the 2009/10 financial year the opening balance available for 2010/2011 has increased from \$719,403 to \$722,223, a \$2,820 increase.

With the finalisation of the 2009/10 Annual Financial Audit Depreciation has now been updated.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 30th November 2010, as attached, be accepted.

COUNCIL DECISION

107/10 MOVED Cr Pedler seconded Cr Pritchard that the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 30th November 2010, as attached, be accepted.

CARRIED

8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, 8 December 2010
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments that were made from 1st November 2010 to 30th November 2010.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the list of payments.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/11/2010 to 30/11/2010 comprising of Municipal Cheques 11429 to 11474, EFT's 6319 to 6422 and Internal Payment Vouchers 2458 to 2492 totalling \$823,345.60 and as attached to this agenda, be received.

COUNCIL DECISION

108/10 MOVED Cr Pedler seconded Cr Trethowan that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/11/2010 to 30/11/2010 comprising of Municipal Cheques 11429 to 11474, EFT's 6319 to 6422 and Internal Payment Vouchers 2458 to 2492 totalling \$823,345.60 and as attached to this agenda, be received.

CARRIED

8/0

3:07pm Mrs Heather Marland left the Chamber.

10.3 FINANCIAL MANAGEMENT – PROPOSED WRITE OFF OF SUNDRY DEBTOR

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
DATE: Wednesday, December 08, 2010
FILE NO FM.DEB.3
ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider the write-off of Debtor (# 72513) accounts for the Black Cockatoo Café in the amount of \$3,180.04.

BACKGROUND

The former Black Cockatoo Café proprietor took over the lease of the facility in May 2009. The Café is fitted with an electricity sub meter which is used to ascertain their consumption and hence allow for the full recovery of power costs to the Café.

COMMENT

Unfortunately there was some confusion with respect to the lease commencement date among officers and to make matters more complicated errors in the rate of recovery also occurred.

The former proprietors were billed an amount of \$1,230.04 which relates to a period that they did not have control over the facility – this amount is not payable and as it relates to a prior year the amount requires formal resolution by Council to be written off.

Due to errors in the billing process which were only discovered in June 2010 an account in the amount of \$7,758.54 was raised, this was to rectify the error which in essence resulted in recovery being calculated at 10% of the amount it should have been recovered at. Once the proprietor was aware of this large increase to consumption cost they markedly reduced their consumption.

Council Officers believe that it is appropriate for Council to consider the further write off of the amount of \$1,950. This is based upon the belief that had the proprietor been billed correctly from the start they would have had the opportunity to adjust their consumption accordingly. The amount calculated of \$1,950 reflects an estimate of the impact of errors in the billing process that removed the proprietor's ability to respond to usage levels until mid 2010, after which time usage levels stayed reduced and fairly consistent.

Council has an amount of \$5,000 in the Operating Statement of the 2010/11 Annual Budget for the provision of Doubtful Debt expenses.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.12 - Power to defer, grant discounts, waive or write off debts

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

Provision to cover the writing off of these amounts is covered in Council's Operating Statement contained in the 2010/11 Annual Budget.

STRATEGIC IMPLICATIONS

There are no strategic implications from the adoption of this recommendation.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council approves the write off of \$3,180.04 on Debtor Number 72513.

COUNCIL DECISION

109/10 MOVED Cr Hewson seconded Cr Benn that Council approves the write off of \$3,180.04 on Debtor Number 72513.

CARRIED

8/0

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

Nil

13 CORPORATE & COMMUNITY SERVICES REPORTS

13.1 2009/10 ANNUAL REPORT AND ELECTORS MEETING

DATE: Thursday, 9 December 2010
 AUTHOR: Stephen Gash, Chief Executive Officer
 FILE NO: FM.AUD.2 & FM.FNR.1
 ATTACHMENTS: 13.1.1 Annual Report 2009-10 including Annual Financial Report
 13.1.2 Audit Report & Audit Management Letter

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Shire of Kojonup's 2009/10 Annual Report as circulated with the Agenda, including the Annual Financial Report and Audit report, and then to set a date for the annual electors meeting.

BACKGROUND

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire's activities for the financial year and is part of the accountability principles established for local government.

COMMENT

The Council is to accept the annual report by 31st December following the year end or no later than two months after receiving the audit report. The Audit Report was received on 2nd December 2010 and a copy will be forwarded directly to the Department of Local Government and Regional Development following this meeting.

The Audit Report and Management Letter will be the subject of an Audit Committee meeting where the committee will consider any action that may be required from the management letter. The Audit Report forms part of the Annual Report and the management letter is provided as an attachment to this meeting for transparency, even though it will have separate consideration via the Audit Committee.

The Annual elector's meeting must be held within 56 days of accepting the annual report with appropriate notice of the meeting given.

CONSULTATION

The annual report includes the financial report and this has been the subject of close examination by the appointed auditors, Lincolns Accountants and Business Advisors.

STATUTORY ENVIRONMENT

Section 5.26 to 5.33; 5.53 & 5.54 - Local Government Act 1995

Regulation 51(2) of the Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

OFFICER RECOMMENDATION 1**VOTING REQUIREMENTS - ABSOLUTE MAJORITY**

That Council Accepts the Annual Report including the Annual Financial Report for the 2009/2010 year.

COUNCIL DECISION

110/10 MOVED Cr Marsh seconded Cr Pritchard that Council Accepts the Annual Report including the Annual Financial Report for the 2009/2010 year.

CARRIED BY ABSOLUTE MAJORITY

8/0

OFFICER RECOMMENDATION 2**VOTING REQUIREMENTS - SIMPLE MAJORITY**

That Council:

1. Hold the Annual Electors meeting on Tuesday 8th February 2011 in the Lesser Hall, Kojonup, commencing at 7:00pm;
2. Receives the Audit Report and Audit Management Letter;
3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.

COUNCIL DECISION

111/10 MOVED Cr Hewson seconded Cr Marsh that Council:

1. Hold the Annual Electors meeting on Tuesday 8th February 2011 in the Lesser Hall, Kojonup, commencing at 7:00pm;
2. Receives the Audit Report and Audit Management Letter;
3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.

CARRIED

8/0

13.2 SETTING OF COUNCIL MEETING DATES 2011

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, December 08, 2010
FILE NO: GO.CNM.6
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to resolve to adopt Council Meeting dates for the 2011 year.

BACKGROUND

In October 2005 Council resolved that Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management.

COMMENTS

The above practice has continued since inception with the only variation being no January meeting being held. Regulation 12 of the Local Government (Administration) Regulations 1996 requires that at least once per year a local government is to give local public notice of the dates on which and time and place which the ordinary meetings will be held.

It is proposed that Council continue with what is current practice and adopt the schedule of dates for the 2011 year as contained within the Officers recommendation.

CONSULTATION

None necessary

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 – regulation 12 and Local Government Act 1995 section 5.25

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

1. Council meetings be held on the third Tuesday of each month, excluding January, commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management,
2. The following dates be approved for the 2011 year:
 - Tuesday, 15th February 2011
 - Tuesday, 15th March 2011
 - Tuesday, 19th April 2011
 - Tuesday, 17th May 2011
 - Tuesday, 21st June 2011
 - Tuesday, 19th July 2011
 - Tuesday, 16th August 2011
 - Tuesday, 20th September 2011

- Tuesday, 18th October 2011
- Tuesday, 15th November 2011
- Tuesday, 20th December 2011

3. That Local Public Notice be given of the approved Council Meeting dates for the 2011 year.

COUNCIL DECISION

112/10 MOVED Cr Benn seconded Cr Trethowan

1. Council meetings be held on the third Tuesday of each month, excluding January, commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management,
2. The following dates be approved for the 2011 year:
 - Tuesday, 15th February 2011
 - Tuesday, 15th March 2011
 - Tuesday, 19th April 2011
 - Tuesday, 17th May 2011
 - Tuesday, 21st June 2011
 - Tuesday, 19th July 2011
 - Tuesday, 16th August 2011
 - Tuesday, 20th September 2011
 - Tuesday, 18th October 2011
 - Tuesday, 15th November 2011
 - Tuesday, 13th December 2011
3. That Local Public Notice be given of the approved Council Meeting dates for the 2011 year.

CARRIED 8/0

REASON FOR CHANGE

Council decided the date of Tuesday, 20th December 2011 was too close to the Christmas Holiday Period and decided to bring it forward a week to Tuesday, 13 December 2010.

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

of an urgent nature, introduced by a decision of the meeting

Nil

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 15th February 2011 commencing at 3:00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3:32pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 st July 2010 to 30 th November 2010
Item 10.2	Monthly Payment Listing 1 st November 2010 to 30 th November 2010
Item 13.1.1	Annual Report 2009-10 including Annual Financial Report
Item 13.1.2	Audit Report & Audit Management Letter

Presiding Member

Date